

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34963 of 2022

Arising Out of PS. Case No.-94 Year-2020 Thana- BIHRA District- Saharsa

SUNIL YADAV S/o Ganga Yadav @ Gango Yadav R/o village- Bijalpur, P.S.-
Bihra, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-09-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Bihra
P.S. Case No. 94 of 2020 registered for the offences punishable
under Sections 147, 148, 149, 323, 324, 325, 307, 379, 354(B),
504, 506 of the Indian Penal Code.

As per prosecution case, there is allegation against
the petitioner to have assaulted the informant's father-in-law by
means of iron rod causing fracture of his hand. It is further
alleged that the petitioner also misbehaved with the informant.

Learned counsel for the petitioner submits that
petitioner is in custody since 11.04.2022 and bears no criminal



antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner and informant are agnates and reside in the same village and there is property dispute between the parties. He further submits that there is case and counter case between the parties and in that context facts are generally exaggerated. Petitioner is innocent and has falsely been implicated in this case on account of previous enmity. He further submits that there is no allegation against the petitioner to have assaulted the informant and the allegation regarding misbehaviour with the informant is superficial.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Bihra P.S.



Case No. 94 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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